Special and Regular City Council Meeting July 27, 2004

Twin Pines Senior and Community Center, 1223 Ralston Avenue

SPECIAL MEETING

CLOSED SESSION - 7:00 P.M.

Public Employee Performance Evaluation, per Government Code Section 54957: City Manager Kersnar

Attended by Councilmembers Feierbach, Mathewson, Warden, Bauer, Metropulos, City Manager Kersnar, City Attorney Savaree. City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 7:30 P.M., this Closed Session was adjourned to the end of the Regular Meeting.

This meeting not tape-recorded or videotaped.

Terri Cook

City Clerk

CALL TO ORDER - 7:35 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Warden, Feierbach, Mathewson, Bauer, Metropulos

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree, Public Works Director Davis, Community Development Director Ewing, City Clerk Cook.

PLEDGE OF ALLEGIANCE

Led by City Clerk Cook.

PUBLIC COMMENTS AND ANNOUNCEMENTS

<u>Judy King and Margo Cheechov</u>, on behalf of the Belmont 75th Anniversary Committee, presented a check to the Furnish our New Belmont Library fundraising committee in the amount of \$3,175, which represents the proceeds of the 75th Anniversary events. They noted that they would request that the money be used for the purchase of public art for the new library.

<u>Joan Peceimer</u>, President, Friends of the Belmont Library, thanked the 75th Anniversary Committee, and noted that a new fundraising brochure would soon be available for the public's use in making contributions to the new library.

Mayor Metropulos announced that the current library would be closed on August 8, 2004, in preparation for the construction of the new building.

<u>Tony Psaila and Jim Christman</u>, on behalf of the Belmont Police Officers Association, thanked the City Council for saving the full-time Community Services Officer position from Budget cuts.

Rick Frautschi, Folger Drive, thanked the Parks and Recreation Department for its landscaping efforts along El Camino (letter on file in Clerk's office). He requested that Council and staff contact Cal Train to address landscaping maintenance and tree work issues along the railway corridor. He added that he has raised this issue at previous Planning Commission meetings, but it does not appear that Cal Train has done anything to address the problem.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Metropulos announced that the American Cancer Society's Relay for Life would be held at Carlmont High School from July 31 through August 1. He noted that Belmont's teen group VOICES will have a team of walkers for this event, as will the Police Department.

REPORT FROM CLOSED SESSION

Mayor Metropulos announced that a closed session was held earlier, direction was given but no action taken, and that the session would be continued at the end of tonight's meeting for further discussion.

AGENDA AMENDMENTS

Councilmember Mathewson requested the removal of item 4-I (Resolution Amending the Fiscal Year 04/05 Budget and Amending the Compensation Plan to Reflect the Addition of an Assistant Civil Engineer, Equipment Operator, and Maintenance Worker I Position and Eliminate One Construction Inspector Position in the Public Works Department) from the Consent Agenda for separate consideration.

ITEMS APPROVED ON CONSENT CALENDAR

Approval of meeting minutes: Special and Regular Meeting June 8, 2004; Special and Regular Meeting June 22, 2004.

Motion to accept Written Communication: 1) Received July 15, 2004, from the PUC, Electric Restructuring Costs Account Proceeding.

Approval of Resolution 9565 approving Memorandum of Understanding between the City of Belmont and Mid-Management Confidential Employees Association.

Motion to accept Police Department/City Hall Project – July Monthly Update

Approval of Resolution 9566 Approving Plans and Specifications, Authorizing Advertisement for Sealed Bids, Approving Award of Contract to the Lowest Responsible Bidder for an Amount NTE \$582,138, Approving a Construction Contingency, NTE \$58,214, and Authorizing the City Manager to Execute a Contract for the Demolition, Rough Grading and Site Preparation for the Belmont Library and Belameda Park Project, City Contract No. 463.

Approval of Resolution 9567 Approving a Permanent Encroachment Agreement for Construction of a Concrete Retaining Wall within the Public Right-of-Way at 1817 Hillman Avenue.

Approval of Resolution 9568 Approving the Establishment of a No Parking Zone on Continentals Way at Arroyo View Circle.

Approval of Resolution 9569 Requesting Comcast of California IX, Inc. to Provide a Meaningful Discount for Cable Television Service to Senior and Disabled Citizens

Approval of Resolution 9570 Approving Plans and Specifications, Authorizing Advertisement for Sealed Bids, Approving Award of Contract to the Lowest Responsible Bidder for an Amount NTE \$169,444, Approving a construction Contingency NTE \$16,944, and Authorizing the City Manager to Execute a Contract for Sanitary Sewer Rehabilitation Ralston Avenue Pipe bursting and Pipelining, CCN 462

<u>Action</u>: On a motion by Councilmember Warden, seconded by Councilmember Bauer, the Consent Agenda, as amended, was unanimously approved by a show of hands.

ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Resolution Amending the Fiscal Year 04/05 Budget and Amending the Compensation Plan to Reflect the Addition of an Assistant Civil Engineer, Equipment Operator, and Maintenance Worker I Position and Eliminate One Construction Inspector Position in the Public Works Department.

In response to Councilmember Mathewson regarding the addition of personnel this request represents, Public Works Director Davis clarified that this action was not part of the recent Corrective Action Plan for the 2005 Budget, but is a component of overall changes in the Public Works Department, which will result in a net savings of \$90,000.

<u>Action</u>: On a motion by Councilmember Mathewson, seconded by Councilmember Warden, Resolution 9571 Amending the Fiscal Year 04/05 Budget and Amending the Compensation Plan to Reflect the Addition of an Assistant Civil Engineer, Equipment Operator, and Maintenance Worker I Position and Eliminate One Construction Inspector Position in the Public Works Department, was unanimously approved by a show of hands.

OLD BUSINESS

Update on Status of Negotiations with Comcast, and consideration of a Resolution Granting Comcast of California IX, Inc. a Franchise Agreement Extension to September 30, 2004.

Information Services Manager Harnish reported that significant progress had been made in the negotiations process with Comcast. She noted that of the eight cities in the consortium that contracts with Comcast, five have approved franchise extensions through December 31, 2004, and two have extended their agreements through May and June of 2005, respectively. She stated that negotiations are proceeding normally, and it was hoped a contract would be finalized by the end of the year.

In response to Councilmember Bauer, Information Services Manager Harnish stated that, due to the large size of the coalition, coordination of the negotiations process has been a challenge.

<u>Action</u>: On a motion by Councilmember Mathewson, seconded by Councilmember Warden, Resolution 9572 Granting Comcast of California IX, Inc. a Franchise Agreement Extension to September 30, 2004, was unanimously approved by a show of hands.

Councilmember Warden noted that Comcast is not leaving the area, and, in fact, is expanding its services.

Clarification of Planning Commission Appeal Fee

City Manager Kersnar stated that when Council adopted the new Master Fee Schedule during the recent Budget process, discussion ensued at that time regarding the past practice of refunding the Planning Commission appeal fee if the appellant prevails. He noted that it was not clear from the discussion whether or not Council intended to continue this practice. He noted that the staff recommendation was to discontinue the practice of the refund.

In response to Council questions, City Manager Kersnar stated that most cities do not offer a refund, and that a decision in an appeal is a judgment call by the Council. He further stated that development fees are intended to cover costs, and the refund would represent a subsidy to the Development Services program.

Councilmember Feierbach stated that she supported the continuation of the refund policy, and there was no mechanism for occasions when the City errs. City Attorney Savaree stated that a refund could be considered on a case-by-case basis.

Councilmember Warden stated that overturning a Planning Commission decision does not happen often. He noted that appeals are made either by the applicant not liking the decision of the Commission, or by someone other than the applicant. He added that changing the policy to no refunds would treat all appellants the same.

Councilmember Bauer agreed that a consistent policy eliminates favoritism.

<u>Action</u>: On a motion by Councilmember Bauer, seconded by Councilmember Mathewson, to discontinue the practice of refunding a Planning Commission appeal fee if the appellant prevails, was approved by a show of hands (4-1, Feierbach no).

NEW BUSINESS

<u>Discussion and Direction regarding proposed amendments to Chapter 7,</u>

<u>Belmont Municipal Code, Article XI, Property Maintenance and Abatement of Property Nuisances, Sections 7-401:7-500</u>

City Attorney Savaree reported that this chapter of the Municipal Code had been amended a number of times since its adoption in 1987. She stated that in addition to the property conditions defined as nuisances, this Code section also addresses other property issues such as auxiliary buildings and other structures, incomplete work authorized by a building permit, unoccupied buildings, and businesses incompatible with zoning regulations. She reviewed the current enforcement and citation process.

City Attorney Savaree recommended that Council address the potential for adding language to address temporary storage containers, and the storage of recreational vehicles on private property. She noted that issues raised at a meeting of the neighborhood association presidents held in May included parking lot screening, construction noise pollution, light pollution, and the storage of materials. She also stated that enforcement tools were also discussed, and there was support among the association presidents for additional fines and penalties for noncompliance.

In response to Council questions, City Attorney Savaree clarified that vehicles are permitted to be parked only on paved surfaces, and noted that gravel is considered an appropriate parking surface.

Community Development Director Ewing stated that every code enforcement complaint requires staff time. Code Enforcement Officer Buckman clarified that staff will proactively respond to safety issues, and that other issues are complaint-based.

In response to Council questions, Public Works Director Davis clarified that a valid building permit is now required in order to utilize a temporary storage unit, and those permits include a sunset clause. Community Development Director Ewing added that these units are not permitted to block a driveway, and if located on private property, they could be considered a structure.

<u>Shara Bajurin</u>, Middlesex Road, stated that she owns a fifth-wheel which she previously stored off site for \$125 per month. She noted that it had been broken into, so she now parks it in her driveway. She stated that the City Council should not restrict the type of vehicles allowed on private property.

<u>Amy Gettle</u>, Village Drive, stated she is not opposed to RV parking in driveways, but is opposed to parking them on the street. She added she has noticed an increase in the number on her cul-de-sac, which impacts parking in the neighborhood.

<u>John Mee</u>, Lyon Avenue, stated that he surveyed 26 city blocks and counted only seven RV's or boats, one of which was parked on the street. He added that the Notre Dame area is an eclectic neighborhood.

Bonnie Shrier, Ponce Avenue, stated that on-street parking is already regulated. She stated that she owns an RV and has a right to park it in her driveway. She added that it would be inconvenient to park it off site, and that there is no affordable storage available. She noted that the City of San Jose recently amended its regulations to allow RV parking.

<u>Candace Hallmark</u>, Hiller Street, stated she owns an RV and that the City Council should not regulate off-street parking. She added that it would be an economic hardship to pay for off-site storage. She noted that the City should promote tolerance.

Robert Hulgan, Buena Vista Avenue, stated that he owns a camper that has been parked on his property since 1973. He stated that he disagrees that these vehicles affect property values. He noted that the City should focus its enforcement efforts towards on-street parking.

Penny Golder, College View Way, read a letter (on file in Clerk's office) in which she states that the current parking ordinance should be used to enforce on-street parking problems. She added that this proposed regulation would target RV parking in a broad way, and is an invasion of property rights. She noted that if RV's block views, they should be regulated.

<u>Carol Hatfield</u>, Lincoln Avenue, stated that the proposed amendment is discriminatory since it addresses RV's and boats only, not trucks or other large vehicles. She added that there is not enough off-site storage available, and this is not a safety issue.

Rick Frautschi, Folger Drive, stated that reasonable time should be defined. He noted that a temporary storage container has been parked on Middlesex Road since 2002.

<u>Mike Gaffney</u>, Dale View Way, thought this issue addressed aesthetics, but noted that it also affects personal property rights. He stated that the Council now wants to dictate RV and trailer registration fees. He also noted that regulating off-street parking would force these vehicles onto the street.

<u>Patrick McKinney</u>, DeKoven Avenue, stated that he owns an RV, which he uses often. He added that he has a right to park it on his property, and if parking were prohibited, he would move it onto the street.

Bob Giusti, North Road, stated that he owns an RV and is opposed to any proposed parking regulation.

<u>Carol Kittermaster</u>, Lyall Way, stated that boats parked on the street were a traffic hazard. She also stated that the three parked on her street are moved every three days to comply with current on-street parking regulations.

In response to Mayor Metropulos, City Attorney Savaree clarified that non-operative or broken-down RV's parked on private property are in violation of existing code regulations.

Councilmember Feierbach stated that this issue arose from complaints received about an RV blocking views on Christian Drive. She added that some RV's are very large, and that size and length of the vehicles are an issue. Code Enforcement Officer Buckman stated that when the anonymous code enforcement hotline was initiated, he received 23 calls regarding the RV referenced by Councilmember Feierbach.

Councilmember Bauer stated that he was more concerned regarding the parking of RV's in the right-of-way. He would support requiring owners to move them onto their property or into storage.

Councilmember Mathewson stated that he respects personal property rights, and that parking is an issue on narrow streets.

Councilmember Warden stated that unregistered vehicles are not allowed on private property. He clarified that he has no issue with RV's that are in good condition, and preferred that they be parked off the street. He noted that the issue before Council relates to bulk, mobility, and property values. He added that he did not purchase a home because of an RV parked next door. He clarified that his comments did not apply to those in attendance at the meeting. He noted that some extreme cases need addressing, including storage containers.

Mayor Metropulos stated that private property rights are important. He also stated that some people perceive some areas public right-of-way as their own private property, and clarified that he had no issue with these vehicles parked on private property. He noted that he counted twelve RV's or trailers in his neighborhood that do not appear to have been moved recently. He noted that on-street parking of these vehicles is a safety issue, as is their size.

City Attorney Savaree stated that site distance and safety are the issues that can be addressed in an ordinance, not aesthetics. In response to Mayor Metropulos, she noted that Foster City's ordinance addressing RV and boat parking is more restrictive. City Manager Kersnar added that Foster City has more storage places available.

Community Development Director Ewing stated that on-street parking time limits are a problem. He also stated that potential regulations could address objective measurable standards such as site distance, height, length, width, and bulk.

Council discussion ensued.

City Attorney Savaree summarized that for future consideration of this matter staff would address the issues of site distance, parking on narrow streets, storage containers, and parking time allowed. Councilmember Mathewson suggested broadening the issue to include other large vehicles besides RV's.

Councilmember Warden stated that many people kept their RV's in good condition and were not a problem in the neighborhood, but that City Council was trying to create a tool for flagrant abuse.

RECESS: 9:30 P.M.

RECONVENE: 9:40 P.M.

<u>Discussion and Direction on Parking Policies for Time Restrictions and Residential Parking Permits</u>

Public Works Director Davis reviewed existing timed-parking restrictions in various neighborhoods throughout the City. He noted that there had been previous neighborhood support for a four-hour restriction on Academy, and now there was a petition opposing the regulation. He suggested implementing a process for petitioning the Traffic Safety Committee for parking restrictions that would include: 1) nearby businesses having a voice, 2) two-thirds of affected residents having a voice, and 3) logic for the restriction to avoid having conflicting time zones in the same area.

In response to Councilmember Warden, Police Chief Mattei stated that the police department documents its enforcement activities for timed parking areas on a daily basis.

Councilmember Mathewson stated that commercial and residential parking areas often overlap each other, such as in the Sterling Downs neighborhood.

Public Works Director Davis reviewed areas in Belmont where parking issues could be addressed through a permit process, such as in the vicinity of Carlmont and/or Notre Dame High Schools. He reviewed the recommended process as well as the pros and cons for establishing permit parking. He noted that the fiscal impact for the establishment and enforcement would be approximately \$110 per permit. He clarified

that the City of San Mateo's recent enactment of permit parking does not include the cost to enforce, which reflects a General Fund subsidy.

Public Works Director Davis suggested reviewing this issue with the neighborhood associations, and to survey the affected neighbors to seek input. He noted that subsidy levels would need to be addressed. He clarified that policies addressing other parking issues such as parking on curves would be addressed at the Council meeting of October 26.

In response to Council questions and comments, Public Works Director Davis clarified that an interim or trial process was feasible, but costs for a trial period would need to be addressed.

Councilmember Bauer stated that he was concerned if this issue became a repeat of the recent traffic calming projects, and suggested a higher threshold for neighborhood approval. He stated that he lived adjacent to Ralston Middle School, the fact of which he was aware when he purchased his home. He requested information relative to the success of other communities initiating similar programs.

Mayor Metropulos expressed concern regarding the definition of an affected resident. In response to his question regarding effective days and dates, Public Works Director Davis responded that any program near one of the schools would be in effect only during school hours and months.

Councilmember Mathewson noted that attendance is rising at Carlmont High School, which will be reflected by more new drivers each year.

Elaine Farmer, Winding Way, expressed a concern regarding parking along blind curves, and she shared photos of an area on North Road where the red zone should be extended. She described a previous attempt to bring this before the Traffic Safety Committee, which was not successful at resolving the issue.

Public Works Director Davis stated that parking on curves would be addressed at the October 26 Council Meeting.

<u>Chris Wozniak</u>, Solana Drive, stated that she supported the permit parking process. She noted that the problem is not going away. She recommended a lower threshold for neighborhood approval, at 50 percent or lower. She requested additional information regarding the staffing costs for enforcement, and supported a lower permit fee.

Rick Frautschi, Folger Drive, stated that the neighborhood support radius should be clarified. He requested additional information on the fiscal basis for the fee structure,

the schedule of fines, how the program would be enforced. He noted that police volunteers could be used.

<u>Wilma Kartman</u>, Mountain View Avenue, expressed concern regarding the spillover of commercial parking into residential neighborhoods.

MEETING EXTENSION

<u>ACTION</u>: On a motion by Councilmember Warden, seconded by Councilmember Mathewson, by a show of hands the meeting was unanimously extended by a half-hour, to 11:00 P.M.

Councilmember Bauer stated that he supported a neighborhood outreach process, as well as a higher threshold level for implementation. He noted that kids do not walk to school and would like more information on how to encourage more walking.

Councilmember Warden stated that he supports a two-third majority vote for implementation, since this is similar to a tax, and that neighborhood outreach is necessary. He supports a trial in one area, and expressed concern regarding the cost to implement.

Councilmember Mathewson agreed that neighborhood outreach is needed, and stated he would support a trial in one area. He stated that he had a concern regarding how to define the affected area.

Mayor Metropulos stated that he would support a trial process in the Carlmont High School area.

City Manager Kersnar stated that staff would survey residents near Carlmont High School for interest in this program, and that options for implementation would be brought back to the Council at a later date.

Discussion and Direction to Restore Certain Budget Cuts.

Assistant City Manager Rich stated that with the reduction in Council's benefits package, monies were available to restore some line item cuts in the Budget. He reviewed the options available.

<u>Action</u>: On a motion by Councilmember Warden, seconded by Councilmember Mathewson, Option 4 (restore beverage service, colored letterhead, and Plant-A-Tree Program, but not copier paper consolidation), was unanimously approved by a show of hands.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Mayor Metropulos announced that the Belmont Community Faire would be held on August 7, and that the Belmont Library would be closing on August 8.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

<u>Proposal for a resolution opposing Proposition 68 (slot machines at Bay Meadows) (Metropulos).</u>

Mayor Metropulos stated that the City of Belmont could be affected by the traffic generated if slot machines were allowed at Bay Meadows, and requested that Council consider a resolution opposing Proposition 68.

Council concurred to support a resolution at the next Council meeting.

ADJOURN to Continued Closed Session to consider:

A. Public Employee Performance Evaluation, per Government Code Section 54957: City Manager Kersnar

Attended by Councilmembers Feierbach, Mathewson, Warden, Bauer, Metropulos, City Manager Kersnar, City Attorney Savaree. City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 12:00 Midnight, this Closed Session was adjourned.

Terri Cook

Belmont City Clerk

Meeting Tape Recorded and Videotaped

(Continued Closed Session not tape recorded or videotaped.)

Tape No. 585